

CHAPTER 12

LICENSES AND PERMITS

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12.01 ALCOHOL BEVERAGES.

(1) STATE STATUTES ADOPTED. The provisions of Chapter 125, Stats., as amended from time to time, defining and regulating the sale, procurement, dispensing and transfer of beverages, including provisions relating to the penalty to be imposed or the punishment for violation of such statutes, are adopted and made a part of this Chapter by reference. A violation of any such provisions shall constitute a violation of this Chapter, and shall result in a forfeiture equal to any forfeiture or fine as established by said statutes.

(2) LICENSES AND PERMITS; AUTHORIZATION REQUIRED.

(a) When Required. No person except as provided by s. 125.06, Stats., shall within the City of Boscobel, serve, sell, manufacture, rectify, brew or engage in any other activity for which this Chapter or Chapter 125, Stats., requires a license, permit or other authorization without holding the appropriate license permit or authorization as provided in this Chapter.

(b) Separate License Required for Each Place of Sale. Except for licenses to public warehouses, a license shall be required for each location or premises which is in direct connection or communication to another where alcohol beverages are stored, sold, or offered for sale.

(3) LICENSES FEES.

The licensee shall pay the fees as established under Section 1.10 for the following licenses and permits issued by the Common Council for the sale of alcohol beverages:

(1) Fermented malt beverages: Class ~~AA~~ and Class ~~AB~~ and temporary Class ~~AB~~ licenses.

(2) Class ~~AB~~ fermented malt beverage permits.

(3) Intoxicating liquor: Retail ~~AA~~ and Retail ~~AB~~ and Retail ~~AC~~ licenses.

(4) Retail ~~AB~~ permits.

(4) OPERATOR'S LICENSES.

(a) Operator's licenses may be granted to individuals by the Common Council

for the purpose of complying with Sections 125.32(2) and 125.68(2), Stats. Operator's licenses may be issued only on written application forms provided by the City Clerk. Said licenses shall be valid for one year and shall expire on June 30 of each year. The application shall include the name of the business where the applicant proposed to work.

(b) The Common Council may issue a provisional occupational license to an otherwise qualified applicant in those cases where the applicant is required to complete a responsible beverage server training course pursuant to s. 125.17(6), Stats. A provisional operator's license shall expire 60 days after its issuance. A person who has been issued a provisional operator's license and who successfully completes the responsible beverage training course within 60 days of the issuance of the license shall be granted a regular operator's license by the Clerk upon proof of successful completion of the training course. If the holder of a provisional operator's license fails to successfully to complete the course, or fails to provide the Clerk with proof of successful completion of the course within 60 days of issuance, the Common Council shall revoke the provisional license. A person whose provisional operator's license has been revoked hereunder shall not be eligible for an operator's license thereafter without proof the person has successfully completed the responsible beverage training course.

(5) LICENSE APPLICATION.

(a) Form. Application for a license to sell, manufacture, rectify, brew or deal in alcohol beverages shall be made in writing on forms prescribed by the State of Wisconsin, Department of Revenue, or in the case of operator's licenses, by the Common Council. The completed application shall be filed with the City Clerk not less than 15 days prior to the granting of the license. The premises, including every room or place where alcohol beverages will be sold or stored, shall be described. Applications for retail Class A and Class B licenses shall be made no later than April by the Council after June 15 of each year. All applications shall be published as provided by Section 12.04(3)(g) and shall be accompanied by the publication fee.

(b) Application to be notarized. The application shall be signed and sworn to by the applicant as provided by s. 887.01, Stats.

(c) Duplicate. Upon approval, a duplicate copy of each application shall be forwarded by the City Clerk to the State Department of Revenue.

(d) Payment of Fees. The Clerk shall inform the applicant at the time the application is filed that no license for the sale of alcohol beverages may be delivered to the applicant until the applicant files with the Clerk a receipt showing the payment of the license fee to the City Treasurer. The license fee required hereunder shall be tendered

and paid at least 14 days prior to the date the license is to be issued. Failure to pay the license fee in the time and manner prescribed herein may result in no action being taken by the Common Council on the application.

(e) Notwithstanding and subd. (5)(a)-(d), for picnic licenses issued under Section 125.26(6), Stats., the application shall be filed with the Clerk at least five days prior to the granting of the license. The Common Council may by motion grant the Clerk discretion to issue such licenses without formal action on the application by the Common Council prior to such issuance.

(6) LICENSE RESTRICTIONS.

(a) An alcohol beverage license shall be issued only to persons eligible under ss. 125.04, 125.25(2), 125.26(2), 126.26(6), 125.51(2)(b), and 125.51(3)(c), Stats. In addition, the license shall be issued only to persons who fulfill the following requirements:

(1) Do not have an arrest or conviction record subject to ss. 111.321, 111.322, and 111.335, Stats.; have been residents of Wisconsin continuously for at least ninety days prior to the date of application; maintain their Wisconsin residence at all times during the license period; have attained the legal drinking age; and have submitted proof under s. 77.61(1l) pertaining to seller's permits for sales taxes, provided, however, that applicants for operator's licenses need not have established Wisconsin residency for at least ninety days and need not have attained the legal drinking age, but must be at least 18 years of age.

(2) A corporation may be issued a license only when a natural person has been appointed as its agent pursuant to Section 125.04(6), Stats., and only after the corporation has provided the Clerk a properly authorized, executed and certified resolution of its Board of Directors delegating to the agent full authority and control of the premises described in the application and authorizing the agent to conduct all business on the premises or elsewhere relating to alcohol beverages that the corporation could exercise if it were a natural person. In addition, the agent shall meet the requirements of subd. (a)(1).

(3) In the case of corporations, the officers and directors shall meet the following requirements of subd. (a)(1): shall not have an arrest or conviction record, subject to ss. 111.321, 111.322 and 111.335 and have attained the legal drinking age.

(b) No retail Class A@Class A@Class B@or AClass B@license shall

be issued for premises the main entrance of which is less than 300 feet from the main entrance of any established public school, parochial school, hospital or church. The distance shall be measured by the shortest route along the highway from the closest point of the main entrance of the premises covered by the license. This paragraph shall not apply to premises licensed as such prior to the occupation of real property within 300 feet thereof by any school building, hospital building or church building.

(c) Violators of liquor or beer laws or ordinances. When a license is revoked because of violations under this ordinance, or under the provisions of s. 125.12, Stats., the revocation shall be recorded by the Clerk and no other license under this ordinance may be granted within 12 months of the revocation to the person whose license was revoked. No part of the fee paid for the revoked license may be refunded.

(d) No applicant may obtain a Class ~~A~~ or Class ~~B~~ license or permit unless the premises complies with the rules promulgated by the Department of Health and Social Services governing sanitation in restaurants.

(e) Delinquent taxes, assessments and claims. No license shall be granted for any premises for which taxes, assessments or other claims of the City are delinquent and unpaid, or to any person delinquent in payment of such claim to the City.

(f) No license shall be issued to any person for the purpose of possessing, selling or offering for sale any alcohol beverages in any dwelling house, flat or residential apartment.

(7) **FORM AND EXPIRATION OF LICENSES.** All licenses shall state clearly the specific premises for which granted, the date of issuance, the fee paid, the name of the licensee and that the license shall expire on June 30 following the date of its issuance except as otherwise provided. The Clerk shall affix his or her affidavit thereon as required by s. 125.04(4)(c), Stats.

(8) **CONDITIONS OF LICENSES AND LICENSE RENEWALS.** The original grant of a license or renewals of licenses issued by the City under this ordinance may be conditioned upon the licensee performing such acts or doing such things as are ordered to be done by such licensee by resolution or motion of the Common Council enacted at the time the original license is issued, or at the time of any subsequent renewal. These conditions may be of a nature which contemplate their fulfillment over a period of time greater than one year and the renewal of any such conditional license during such period shall not constitute a waiver by the Council of its right to later deny request for renewal of such license by reason of the failure of the licensee to fulfill such conditions within the time set by the Council. The extension by the Council of the period of time during which such conditions must be fulfilled shall not constitute a waiver by the Council of its right to later deny a request for renewal of such license by reason of the failure of

the licensee to fulfill such condition within the extended time period. Conditions may include, without limitation by way of enumeration, construction, reconstruction, alteration or addition to the licensed premises; requiring facilities for serving food; requiring such other facilities as may be deemed by the Council to be prudent or necessary to provide for the health, safety and welfare of the public or patrons or for the preservation and enhancement of the esthetic values of the community.

(9) TRANSFER OF LICENSES.

(a) As to Person. No license shall be transferable as to a licensee except as provided by s. 125.04(2), Stats.

(b) As to Place. Licenses issued under this ordinance may be transferred as provided in s. 125.04(12), Stats. Application for such a transfer shall be made on blanks furnished by the Department of Revenue. Proceedings for transfer shall be held in the same manner and form as the original application. The Council shall have the right to deny any such requested transfer.

(10) POSTING AND CARE OF LICENSES. Every license or permit required under this ordinance shall be framed and posted and at all times displayed as provided in s. 125.04(10), Stats. No person shall post a license, or permit any other person to post it, upon premises other than those mentioned in the application, nor shall any person knowingly deface or destroy a license, or permit any other person to do so.

(11) LICENSE INVESTIGATION. The Clerk shall notify the Chief of Police, Health Officer, Chief of Fire Department and Building Inspector of each application, and those officials shall inspect or cause to be inspected each application and the premises, together with such other investigations as shall be deemed necessary by them or the Council to determine whether the applicant and the premises sought to be licensed comply with the regulations, ordinances and laws applicable thereto, including those governing sanitation and restaurants. These officers shall furnish to the Common Council in writing or otherwise as the Council directs, the information derived from such investigation, accompanied by a statement as to whether the applicant or the premises meets the requirements of the department for whom the officer is certifying. No license shall be renewed without reinspection of the premises and a supplement to the original report. In determining the suitability of the applicant, consideration shall be given to the moral character of the applicant, the appropriateness of the location and premises proposed and generally the applicant's fitness for the trust to be reposed.

(12) REGULATION OF LICENSED PREMISES AND LICENSEES.

(a) Beer Gardens. Premises for which a Class ~~B~~ or Class ~~B~~ license is

issued may serve alcohol beverages to be consumed by the glass only in outdoor areas, commonly known as beer gardens@provided a proper description of the area is included in the application. Beer gardens shall be enclosed by a permanent fence sufficient to separate the area from adjacent public or private premises. Such fences shall be at least six feet but not more than 10 feet in height and shall conform to the requirements of Section 17.51 of the Code. The Building Inspector and Chief of Police are empowered by this Section to make reasonable rules and orders concerning the location, materials and construction of such fences for the purpose of promoting the health, safety, morals and general welfare of the community. Any person aggrieved by such a rule or order may request a review thereof by the police and fire committee of the Common Council under the procedures set forth in Chapter 68, Stats.

(b) Gambling and Disorderly Conduct Prohibited. Licensed premises shall be at all times operated in an orderly manner and no disorderly, riotous or indecent conduct or gambling shall be allowed at any time on the premises.

(c) Minors.

1) No person shall procure for, sell, dispense or give away any alcohol beverage to a person who has not attained the legal drinking age unless the underage person is accompanied by his parent, guardian or adult spouse.

2) No person who has not attained the legal drinking age may enter or be on any premise for which a license or permit for the sale of alcohol beverages has been issued unless the underage person is accompanied by his parent, guardian or adult spouse, except such an underage person may transact business pertaining to the licensed premises with or for the licensee or the licensee's employees; provided, however, the business may not be amusement or the purchase, receipt or consumption of edibles or beverages or similar activities which normally constitute activities of a customer of the premises. This subsection does not apply to such a person who is a resident, employee, lodger or boarder on the premises controlled by the proprietor, licensee or permittee of which the licensed premises consist or is a part. An underage person may enter or be on a Class AA@or A@Class A@retail premises for the purpose of buying food or beverages other than alcohol beverages, except that such persons may not remain on the premises after the purchase.

(d) Sales by Clubs. No club shall sell any alcohol beverage except to members and guests invited by members.

(e) Inspection. Every licensee or permittee shall be deemed to consent to the entry of police or other duly authorized representatives of the City at all reasonable hours for the purpose of inspection and search, and consents to the removal from the premises of all things and articles there had in violation of the City ordinances or state laws and consents to the introduction of such things or articles in evidence in any prosecution that may be brought for such offenses.

(f) Visibility to be Maintained. All licensed premises shall have a window of clear glass, unobstructed by signs, draperies, or any other material, arranged so that a clear view of the entire interior premises is possible from the sidewalk. Such a clear view shall be maintained at all times, including those hours when the premises is closed. No partition or other device located inside the premises shall be permitted so as to obstruct the view of the interior of the premises from the sidewalk, except the partition or other device not exceeding 42 inches in height, when measured from the floor, shall be allowed; and except that the holder of a Class B alcohol beverage license shall be entitled to serve alcohol beverages in a separate room on the licensed premises at banquets or dinners.

(13) DANCES.

(a) Permit Required. The holder of a Class B alcohol beverage license shall procure a dance permit before allowing any live musical entertainment to be performed on the premises at which the patrons of the premises are permitted to dance. The Chief of Police, or his designee, shall issue a permit in accordance with this section upon application therefore.

(b) Application for Permit. The application for a dance permit shall provide the name of the licensee and address of the premises where the performance of music will occur; and the name of the person proposed by the applicant to serve as a dance inspector during the time of the performance. The application shall be filed with the Chief of Police no later than 48 hours before the day of the performance. The Chief of Police shall review the application for the purpose of approving or disapproving the person proposed to serve as a dance inspector. Approval shall be granted in the discretion of the Chief of Police after taking into consideration the age of the proposed inspector, his or her knowledge of statutes and ordinances governing alcohol beverage licenses, and such other factors as are relevant to the ability of the person to perform the duties of an inspector.

(c) Hours. No permit shall be issued under this section unless the time for the musical performance is restricted to the hours between 12 noon and one-half hour before the closing hours established by Section 12.01(14).

(d) Inspector's Duties. The dance inspector shall see that all rules,

regulations, ordinances and laws, whether City or state, are enforced, including without limitation ordinances regulating orderly conduct and open containers of alcohol beverages. No dance inspector shall work on the premises in any other capacity during the time the person is serving as a dance inspector.

(e) Exemption. No dance permit is required under this section where dancing by patrons is prohibited by rule of the premises.

(14) **CLOSING HOURS.** Hours of operation for all premises licensed to sell alcohol beverages, as defined by Wis. Stats. §125.02(1), are regulated as provided by Chapter 125 of the statutes, specifically §125.32(3) and §125.68(4), as amended by 2011 Wisconsin Act 97.

(15) **IMPROPER EXHIBITIONS.**

(a) It shall be unlawful for any person to perform, or for any licensee or manager or agent of the licensee to permit any employee, entertainer or patron to engage in any live act, demonstration, dance or exhibition on the licensed premises which:

(1) Exposes his or her genitals, pubic hair, perineum, anal region or pubic hair region; or

(2) Exposes any device, costume or covering which gives the appearance of, or simulates genitals, pubic hair, perineum, anal region or pubic hair region; or

(3) Exposes any portion of the female breast at or below the areola thereof; or

(4) Engages or simulates sexual intercourse and/or sexual contact, including the touching of any portion of the female breast or the male and/or female genitals.

(b) It shall be unlawful for any licensee or manager or agent of the licensee knowingly to permit any exhibition prohibited by subparagraph (a) to be exposed for viewing by persons within the licensed premises.

(c) Any person, partnership or corporation who violates any of the provisions of this subsection shall be subject to a forfeiture as prescribed in Section 25.04 of the Municipal Code, in addition to liquor license suspension, revocation, or nonrenewal as provided in Chapter 12 of the Municipal Code. A separate offense shall be

deemed committed on each day on which a violation occurs or continues.

(16) **REVOCATION, SUSPENSION AND NONRENEWALS OF LICENSES.**

Whenever the holder of any license under the ordinance violates any portion of this ordinance, or Chapter 125, Stats., proceedings for the revocation, suspension or nonrenewal of the license may be instituted in the manner and under the procedures established by s. 125.12, Stats., and the provisions in said section relating to granting a new license shall likewise apply.

(17) **VIOLATIONS BY AGENTS AND EMPLOYEES.** A violation of this ordinance by an authorized agent or employee of a licensee shall constitute a violation by the licensee.

12.02 **DIRECT SELLERS.**

(1) **DEFINITIONS.**

(a) **Direct Seller.** Any person who sells goods or service or takes orders for the delivery of goods or services where the goods or services are sold or the order for them is taken at a location other than the permanent place of business or residence of the person. Direct sellers include, but are not limited to, peddlers, solicitors and transient merchants. The sale of goods or services includes donations required by the direct seller for the retention of goods or services by a donor or customer.

(b) **Goods.** Goods mean personal property of any kind and includes goods provided incidental to services offered or sold.

(c) **Charitable Organizations.** Charitable organizations include any benevolent, philanthropic, or patriotic person, partnership, association or corporation or one purporting to be such.

(2) **REGISTRATION REQUIRED.** No direct seller shall engage in direct sales within the City without having first registered with the City Clerk as provided in this section.

(3) **EXEMPTIONS.** The following shall be exempt from all provisions of this section:

(a) Any person delivering newspapers, fuel, dairy products or bakery goods to regulate customers on established routes.

(b) Any person selling goods at wholesale to dealers in such goods.

- (c) Any person selling agricultural products which such person has grown.
- (d) Any permanent merchant or his employee who takes orders away from the established place of business for goods regularly offered for sale by such merchant within this County and who delivers such goods in his regular course of business.
- (e) Any person who has an established place of business where the goods being sold are offered for sale on a regular basis, and in which the buyer has initiated contact with, and specifically requested a home visit by, such person.
- (f) Any person who has had, or one who represents a company which has had, a prior business transaction, such as a prior sale arrangement, with the prospective customer.
- (g) Any person holding a sale required by statute or by order of any court and any person conducting a bona fide sale pursuant to law.
- (h) Any employee, officer or agent of a charitable organization who engages in direct sales for or on behalf of the organization, provided that there is submitted to the Clerk proof that the charitable organization is registered under s. 440.41, Wis. Stats. Any charitable organization not registered under s. 440.41, Wis. Stats., or which is exempt from that statute's registration requirements, shall be required to register under this section.
- (i) Any person who claims to be a permanent merchant, but against whom complaint has been made to the Clerk that such person is a transient merchant; provided that there is submitted to the Clerk, proof that such person has leased for at least one year, or purchased, the premises from which he is conducting business, or proof that such person has conducted such business in this City for at least one year prior to the date complaint was made.

(4) REGISTRATION.

- (a) Applicants for registration must complete and return to the Clerk a registration form furnished by the Clerk which shall require the following information:

- 1) Name, permanent address, telephone number, temporary address and temporary telephone number from which business will be conducted, if any.
 - 2) Age, height, weight, color of hair and eyes.
 - 3) Name, address and telephone number of the person, firm, association or corporation that the direct seller represents or is employed by, or whose merchandise is being sold.
 - 4) Nature of business to be conducted and a brief description of the goods, and any service offered.
 - 5) Proposed method of delivery of goods, if applicable.
 - 6) Make, model and license number of any vehicle to be used by applicant in the conduct of his business.
 - 7) Last cities, villages, towns, not to exceed 3, where applicant conducted similar business.
 - 8) Place where applicant can be contacted for at least 7 days after leaving this City.
 - 9) Statement as to whether applicant has been convicted of any crime or ordinance violation related to applicant's transient merchant business within the last 5 years, nature of the offense and place of conviction.
- (b) Applicants shall present to the Clerk for examination:
- 1) A driver's license or some other proof of identity as may be reasonably required.
 - 2) A state certificate of examination and approval from the sealer of weights and measures where applicant's business requires use of weighing and measuring devices approved by State authorities.
 - 3) A State health officer's certificate where applicant's business involves the handling of food or clothing and is required to be certified under State law; such certificate to state that applicant is apparently free from any contagious or infectious disease, dated not more than 90 days prior to the date the

application for license is made.

(c) 1) At the time the registration is returned, the applicant shall pay the registration fee established under Sec. 1.10.

2) The applicant shall sign a statement appointing the Clerk his agent to accept service of process in any civil action brought against the applicant arising out of any sale or service performed by the applicant in connection with his direct sales activities in the event the applicant cannot, after reasonable effort, be served personally.

3) Upon payment of the fee and signing of the statement of the applicant as a direct seller, the registration shall be valid for a period of 90 days. The Clerk shall issue to each salesperson an identification badge or tag. The tag shall state the salesperson's name, and the name and address of the company for whom the salesperson works. If the salesperson is self-employed, the tag shall state the salesperson's name and address. In either case, the tag shall state the period of time for which the registration is valid.

(5) INVESTIGATION. Upon receipt of each application, the Clerk may refer it immediately to the Chief of Police who may make and complete any investigation of the statements made in such registration.

(a) The Clerk shall refuse to register the applicant if it is determined, pursuant to the investigation above, that:

1) The application contains any material omission or materially inaccurate statement.

2) Complaints of a material nature have been received against the applicant by authorities in the last cities, villages and towns, not exceeding 3, in which the applicant conducted similar business.

3) The applicant was convicted of a crime, statutory violation or ordinance violation within the last 5 years, the nature of which is directly related to the applicant's fitness to engage in direct selling.

4) The applicant failed to comply with any applicable provision of par. (4)(b) above.

(6) APPEAL. Any person denied registration may appeal the denial through the appeal procedure provided by ordinance or resolution of the City Council, or, if none has been adopted, under the provisions of ss. 68.07 through 68.16, Wis. Stats.

(7) REGULATIONS OF DIRECT SELLERS.

(a) Prohibited practices. No direct seller shall:

1) Call at any dwelling or other place between 7:00 p.m. and 9:00 a.m. except by appointment.

2) Call at any dwelling or other place where a sign is displayed bearing the words No Peddlers@No Solicitors@or words of similar meaning.

3) Call at the rear door of any dwelling place or remain on any premises after being asked to leave by the owner, occupant or other person having authority over the premises.

4) Misrepresent or make false, deceptive or misleading statements concerning the quality, quantity or character of any goods offered for sale, the purpose of his visit, his identity or the identity of the organization he represents. A charitable organization direct seller shall specifically disclose what portion of the sale price of goods being offered will actually be used for that charitable purpose for which the organization is soliciting. Such portion shall be expressed as a percentage of the sale price of the goods.

5) Impede the free use of sidewalks and streets by pedestrians and vehicles. Where sales are made from vehicles, all traffic and parking regulations shall be observed.

6) Make any loud noises or use any sound amplifying device to attract customers.

7) Allow rubbish or litter to accumulate in or around the area in which he is conducting business.

8) Fail to display on his or her person the identification badge or tag issued by the Clerk.

(b) Disclosure Requirements.

1) After the initial greeting and before any other statement is made to a prospective customer, a direct seller shall expressly disclose his name, the name of the company or organization he is affiliated with, if any, and the identity of goods or services he offers to sell.

2) If any sale of goods is made by a direct seller, or any sales order for the later delivery of goods is taken by the seller, the buyer shall have the right to cancel the transaction if it involves the extension of credit or is a cash transaction or more than \$25, in accordance with the procedure in s. 423.203, Wis. Stats. The seller shall give the buyer 2 copies of a typed or printed notice conforming to the requirements of ss. 423.203(1)(a)(b) and (c)(2) and (3), Wis. Stats.

3) If the direct seller takes a sales order for the later delivery of goods, he shall, at the time the order is taken, provide the buyer with a written statement containing the terms of the agreement, the amount paid in advance whether full, partial or no advance payment is made, the name, address and telephone number of the seller, the delivery of performance date and whether a guarantee or warranty is provided and, if so, the terms thereof.

(8) **RECORDS.** The Chief of Police shall report to the Clerk all convictions for violation of this section and the Clerk shall note the violation on the record of the registrant convicted.

(9) **REVOCAION OF REGISTRATION.**

(a) Registration may be revoked by the City Council after notice and hearing, if the registrant made any material or materially inaccurate statements in the application for registration, made any fraudulent, false, deceptive or misleading statements or representations in the course of engaging in direct sales, violated any provision of this section or was convicted of any crime or ordinance or statutory violation which is directly related to the registrant's fitness to engage in direct selling.

(b) Written notice of the hearing shall be served personally on the registrant at least 72 hours prior to the time set for the hearing; such notice shall contain the time and place of hearing and a statement of the facts upon which the hearing will be based.

(10) **PENALTY.** Any person convicted of violating any provisions of this section shall forfeit not less than \$10 nor more than \$100 for each violation plus costs of prosecution. Each violation shall constitute a separate offense.

12.04 DANCE HALLS.

(1) DEFINITIONS. A public dance means any dance or ball to which admission can be had by the public by payment of a fee or by the purchase of refreshments or merchandise of any nature or by possession or presentation of a ticket or in which a charge is made for caring for clothing or other property, or any other dance to which the public may gain admission with or without payment of a fee.

(2) EXCEPTIONS. The fees required in sub (4) shall not be required for any public or parochial school or church or community center dance. This section does not apply to dances regulated under Section 12.01 where a permanent or temporary alcohol beverage license has been issued.

(3) HEALTH AND FIRE REGULATIONS. No permit for a public dance shall be issued until it is found that the premises comply with and conform to all ordinances and fire regulations of the City and of the State and that it is properly ventilated and supplied with sufficient toilet conveniences and is a safe and proper place for the purpose for which it is used.

(4) PERMIT. No public dance shall be held until a permit has been issued by the Clerk for each dance. Applications for permits shall be made to the Clerk on forms to be furnished by him. The Council shall, by resolution or motion, set a fee to be paid for each permit issued.

(5) PUBLIC DANCE INSPECTORS. No public dance shall be conducted unless there is present on the premises where the dance is held a dance inspector who shall be appointed by the Chief of Police in the same manner as a dance inspector is appointed under Section 12.01 of this Code. The duties of the dance inspector shall be the same as those of a dance inspector under Section 12.01 of this Code. The person to whom a dance permit has been issued shall be responsible for paying any dance inspector for his services.

(6) DUTY OF PERMITTEE. No person who conducts, manages or is in charge of any public dance hall shall permit any alcohol beverage to be sold, offered for sale, served or consumed in any room where dancing is permitted unless the premises are licensed therefore under Section 12.01 of this Code.

(7) HOURS. No public dance shall be conducted before 12 noon nor after 12:30 a.m.

12.05 BOWLING ALLEYS, POOL HALLS, SHOOTING GALLERIES AND AMUSEMENT PARKS.

(1) LICENSE REQUIRED. No person shall operate a bowling alley, pool table, shooting gallery, pinball or electronic game machine for which a fee is charged or paid by a patron without having obtained a license as provided herein.

(2) LICENSE FEE. An annual license fee as established under Sec. 1.10 shall be paid for each lane of a bowling alley, each pool table, each shooting gallery, and each pinball machine or electronic game machine.

(3) REGULATIONS. Every premises licensed hereunder shall be operated in an orderly manner. No person under the age of 16 years shall be permitted on such premises after 11 p.m. and no persons under the age of 18 years shall be permitted on the premises after midnight.

12.06 CIRCUSES, CARNIVALS, ETC.

(1) LICENSE REQUIRED. No person shall operate a traveling show, circus, carnival, stock company or other itinerant show at which an admission fee is charged without obtaining a license as provided herein.

(2) LICENSE FEE. The license fee shall be established under Sec. 1.10.

(3) PARK RENT. In addition to the license fee, rent for the use of any City park for any such entertainment shall be as established under Sec. 1.10. No City park shall be rented without the prior approval of the Park Board.

12.07 TAXICABS.

(1) LICENSE FOR TAXICABS. No person shall operate any vehicle carrying passengers for remuneration from place to place within the City without first having obtained a taxicab license.

(2) APPLICATIONS. Application shall be made in writing to the Clerk for such license, stating the full name of the applicant, his address, the state license number of the vehicle or vehicles he proposed to operate. Applications for renewal of existing licenses shall be made in the same manner as for the original license.

(3) FEE. The license fee established under Sec. 1.10 shall be paid to the Treasurer before the license is issued by the Clerk. The license shall expire on the 30th day of June following its issuance. The full license fee shall be paid even if the license is issued for only part of a license year.

(4) APPROVAL OF LICENSE. The Clerk shall present each application to the Council at its next regular meeting. The Council shall approve such application unless it finds after a public hearing that public convenience and necessity would not be served by the granting of such license, or that the equipment of the applicant does not meet the requirements of Ch. 347, Wis. Stats. The taxicab license shall be issued by the Clerk after approval by the Council.

(5) REVOCATION. The City Council may revoke such license for failure of the licensee to maintain his equipment as required by Ch. 347, Wis. Stats., or for more than 3 convictions for violations of traffic laws or ordinances within any 6 month period by the licensee or by persons driving vehicles under such license, or for conduct by the licensee or by persons driving vehicles under such license which is prejudicial to the public safety, welfare, morals or good order of the community.

(6) RATES TO BE POSTED. Every person operating a taxicab shall have at all times prominently posted and displayed in his taxicab, so as to be visible to the passengers therein, the rates or fares for the use of such cab.

(7) TAXICABS TO BE MARKED. Every taxicab shall be distinctly marked on 2 sides, in letters not less than 1-1/2" high, with the words TAXICAB@together with the licensee's name.

12.08 BICYCLES.

(1) LICENSE REQUIRED. No person shall operate a bicycle on the streets, alleys or sidewalks within the City without first having secured a license for the bicycle. The license shall be issued upon written application, which shall contain the name, address and age of the applicant, a description of the bicycle, including the make and serial number, and if the applicant is a minor, the name and address of the parent or guardian of the applicant. The application shall be signed, and if the applicant is a minor, it shall be signed by the applicant's parent or guardian. After filing the application with the City Clerk, the Chief of Police shall inspect the bicycle and upon his recommendation a license shall be issued. A small license plate or stamp with an identifying number shall be issued by the Clerk or the Chief of Police and the license number shall be affixed to the frame of the bicycle. The fee for the application and licensing shall be established under Sec. 1.10.

(2) RULES OF OPERATION. No bicycle shall be operated upon any sidewalk within the City. The rules of the road applicable to bicycles pursuant to Section 346.01(4), Stats., shall apply to all bicycles operated within the City.

12.09 MOBILE HOMES.

(1) DEFINITIONS.

(a) Mobile Home. A structure, transportable in one or more sections, which is over 400 square feet in area excluding the hitch, built on a permanent chassis, and designed to be used as a dwelling, with or without a permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained in it. In computed square footage, length is multiplied by width. In this subsection, length means the distance from the exterior of the front wall, that is, the wall nearest to the exterior of the draw bar and coupling mechanism, to the exterior of the rear wall at the opposite end of the home where the walls enclose living or other interior space, and that distance includes expandable rooms but not bay windows, porches, draw bars, couplings, hitches, walls and roof extensions, or other attachments. In this subsection, width means the distance from the exterior of one side wall to the exterior of the opposite side wall where the walls enclose living or other interior space, and that distance includes expandable rooms but not bay windows, porches, walls and roof extensions, or other attachments. (Adopting COMM s.95.03(5), WAC).

(b) Date of Manufacture. The date on which the certification label is affixed to the mobile home.

(c) Mobile Home Owner. Any person or lessee thereof who purchases a mobile home primarily for use for personal, family or household purposes.

(d) Mobile Home Section. A portion of a mobile home which when installed does not provide all the facilities for year-round residential occupancy.

(e) Mobile Home Unit. A complete mobile home which when installed provides all the facilities for year-round residential occupancy.

(f) Recreational Vehicle. A vehicle having an overall length of 45 feet or less and a body width of 8 feet or less primarily designed with temporary living quarters for recreational, camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle. The basic entities are travel trailer, camping trailer, truck camper and motor home.

(g) Mobile Home Park. Any plot or plots of ground upon which two or more mobile homes occupied for dwelling or sleeping purposes are located, regardless of whether or not a charge is made for such accommodation.

(h) Space. A plot of ground within a mobile home park designed for the accommodation of one mobile home unit.

(2) REGULATION OF MOBILE HOMES.

(a) No person may use or occupy a mobile home as a residential dwelling unless it meets the requirements of Wisconsin Administrative Code Ch. COMM 27. This subsection does not apply to mobile homes that are placed in a licensed mobile home park.

(b) No person shall use as a permanent residence in the City any mobile home section, nor shall any person locate, keep or store a section in the City except as incidental to construction of a mobile home unit after the issuance of a building and zoning permit, or except in connection with a bona fide business.

(c) No person shall use or occupy within the City as a permanent residential dwelling any recreational vehicle. Occupancy of a recreational vehicle for more than 30 days shall be prima facie evidence that the recreational vehicle is being used as a permanent residential dwelling.

(4) No mobile home may be brought into the City for use as a residential dwelling unless its date of manufacture is less than 10 years before the time the mobile home is set and it has a pitched roof.

(3) MONTHLY PARKING PERMIT.

(a) Fee for Mobile Homes in Parks. The fee provided by s. 66.0435(3), Stats., shall be collected for each occupied mobile home occupying space for lots in a mobile home park in the City. The monthly parking fee shall be collected by the licensee of the park and paid to the City Treasurer on or before the 10th day of the month following the month for which the parking permit fee is due. When any fee is paid after the due date, there shall be imposed and collected by the Treasurer a late payment penalty of 1-1/2% of the amount due for each month or part of a month during which the fee was past due.

(b) Owners of nonexempt mobile homes located outside of licensed mobile home parks shall remit the fees directly to the Treasurer within the time provided by sub. (a).

(4) PARK LICENSES AND FEES.

(a) Application, Plan and License Required. No person shall establish or operate, or permit the establishment or operation of, a mobile home park on property in the City owned or controlled by him without first having secured a mobile home park

license from the City. Application for a license shall be submitted to the City Clerk in writing signed by the applicant and containing the following information:

- 1) The name and address of the applicant;
- 2) The location and legal description of the mobile home park;
- 3) The complete plan of the park including a scale drawing showing the dimensions in feet and inches of each space, the dimensions in feet and inches and location of each mobile home within a space, the location of all water, sewer and electrical service lines and the dimension in feet and inches and location of all streets, alleys and driveways. The plan shall be approved by the Common Council prior to issuance of the license. In addition to the foregoing requirements, the plan shall also meet the requirements set forth in sub. (5).

(b) Applications for Renewal of License. Application for renewal of a license shall be in writing, and signed by the applicant on forms provided by the City Clerk. On application for renewal of a license, a new plan shall not be required unless no plan meeting the requirements of this section has been filed previously or unless the plan on file is outdated and is no longer accurate.

(c) Fee. Accompanying every application shall be an annual license fee of \$100 for each 50 spaces or fractions thereof in the mobile home parks.

(d) Duration of License. A license issued hereunder shall expire on June 30 of the year following its issuance.

(5) SETBACK AND DENSITY REQUIREMENTS. Mobile home lots shall meet the setback and density requirements of Section 17.25(5).

12.10 JUNKYARDS.

(1) DEFINITIONS.

(a) Junkyard. A junkyard is any building, structure, yard or place where there is kept, stored or piled (whether temporarily, irregularly, permanently or continually) any old, used or secondhand materials, commonly known as junk.

(b) Junk. Junk means any old, used or secondhand object or material of any kind which from its worn condition renders it practically useless for the purpose for which it was made or originally used. Junk includes without limitation because of

expression herein items manufactured from textiles, plant or forest products, animal hides, glass, plastics, ceramics, rubber or metal, and also includes used and inoperable motor vehicles regardless of age and any parts thereof.

(2) **PERMIT REQUIRED.** No person shall keep, permit or maintain any junkyard on any property in the City owned, occupied, used or controlled by him without first having obtained a permit to do so from the Common Council. The permit may be endorsed with specific regulations and conditions applying to the use of the property as a junkyard so that the public health, safety, welfare, morals, comfort and convenience are protected and promoted, and to avoid the possibility that the junkyard may become a public nuisance. The failure of any such regulation or condition to prevent a junkyard from becoming a public nuisance shall not be deemed to create any liability on the part of the City, nor shall the granting of a permit with any such regulation or condition stop the City from causing abatement of any public nuisance created by the existence or the operation of the junkyard. Before issuing any permit, the Common Council may forward the application to the Plan Commission for review and the Plan Commission may make recommendations concerning regulations and conditions on any license. The Plan Commission may hold public hearings on any license application forwarded to it by the Council if it deems a hearing to be in the public interest and it shall report any findings from the hearing to the Council along with its recommendations for regulations or conditions on the license.

(3) **TERM OF PERMIT.** A permit shall expire on June 30 following its issuance.

(4) **RESTRICTIONS.** In addition to any regulation or condition placed on the license by the Common Council, every premises upon which a junkyard is operated or permitted to exist shall be enclosed by a suitable fence, approved by the Zoning Administrator, not less than six feet high. The fence shall be maintained in good condition at all times and no articles shall be placed on the outside of such enclosure. No burning shall be permitted at any junkyard.

(5) **REVOCATION OR NONRENEWAL.** If at anytime a person holding a junkyard permit is operating or maintaining a junkyard in violation of any law, ordinance, or regulation or condition of his permit, or if the operation of the junkyard is creating a public nuisance, the Common Council may revoke or nonrenew the permit.

(6) **APPEAL OF REVOCATION OR NONRENEWAL.** Any person aggrieved by a revocation or nonrenewal of a permit may have a review of the initial determination by filing within 30 days a request for review pursuant to s. 68.08, Stats. A hearing on a request for review shall be conducted by the Council as provided by s. 68.11(2), Stats. Any further appeal by an aggrieved person shall be made pursuant to s. 68.13, Stats.

(7) **ADDITIONAL PENALTY FOR VIOLATION.** Any person violating this section or any regulation or condition of his license shall be subject to a forfeiture as provided by

Chapter 25 of this Code. A forfeiture action hereunder may be in lieu of, or in addition to an action under sub. (5). The Health Office, Zoning Administrator, Director of Public Works, or any policeman may enforce this section.

12.11 COMMUNITY ANTENNA TELEVISION FRANCHISE. An ordinance granting a community antenna television franchise will be found on page 311 in the chronological ordinance book of the City.

12.12 DOGS.

(1) LICENSE REQUIRED. Every person residing in the City who owns a dog which is more than 5 months of age on January 1 of any year, shall annually at the time and in the manner prescribed by law for the payment of personal property taxes, obtain a license therefor.

(2) FEES. The owner shall pay the City Treasurer annually the fee for each type of dog license established under Sec. 1.10.

(3) ISSUANCE OF LICENSE. Upon payment to the City Treasurer of the above fee, the Treasurer shall issue to such person a license to keep such dog for one year and such person shall, upon procuring the license, place upon the dog a collar with a tag furnished to him by the City Treasurer or County Clerk.

(4) STATE REGULATIONS. Chapter 174, Wis. Stats., and any future amendments thereto pertaining to dogs is made a part of this section by reference.

(5) UNLICENSED DOGS. No unlicensed dog shall run at large, and any person may seize or impound any such unlicensed dog found at large. The fact that a dog is without a proper license tag attached to its collar shall be presumptive evidence that it is unlicensed. Any officer or the health officer may enter upon the premises of the owner or keeper of any unlicensed dog to seize it, and if after request therefor, the owner, keeper or immediate member of the owner's or keeper's family of suitable age and discretion shall refuse to deliver the unlicensed dog to the officer or health officer and the officer or health officer cannot with reasonable effort catch the unlicensed dog, he may tranquilize or kill it.

(6) DOGS RUNNING AT LARGE. No person shall own, harbor or keep any dog which:

- (a) Habitually pursues any vehicle upon any public street, alley or highway.
- (b) Assaults or attacks any person.
- (c) Runs at large within the City. A dog shall be deemed to be running at

large when it is on any of the public streets, alleys, parks or other public grounds of the City, or any other premises in the City other than the premises of its owner, unless within the immediate presence and control of the owner, his servant, agent or a member of his family of suitable age and discretion.

(d) Habitually barks or howls to the annoyance of any 2 or more persons.

(7) **IMPOUNDING.** Any person may impound any such dog and any police officer may kill any dog which habitually pursues any vehicle upon any street, alley or highway, or which assaults or attacks any person.

(8) **DOGS INFECTED WITH RABIES.**

(a) Any police officer or the Health Officer may order a dog quarantined if the officer has reason to believe that the animal bit a person, is infected with rabies or has been in contact with a rabid animal. If a quarantine cannot be imposed because the dog cannot be captured, the officer may kill the animal. The officer may kill a dog only as a last attempt to kill the animal in a humane manner and in a manner which avoids damage to the animal's head. An officer who orders a dog to be quarantined shall deliver the animal or shall order the animal delivered to an isolation facility as soon as possible but no later than 24 hours after the original order is issued or the officer may order the animal to be quarantined on the premises of the owner of the animal if the animal is immunized currently against rabies as evidenced by a valid certificate of rabies vaccination or other evidence.

(b) Any person who shall suspect that any dog is infected with rabies shall report his or her suspicion to the police or health authorities, describing the dog and giving the name of the owner, if known. Any such dog shall, upon demand of the police or the Health Officer, be delivered to such officer. If upon examination by the Health officer the dog shall prove in fact to be infected with the disease, the dog may be killed by any such officer.

(c) No person shall knowingly harbor or keep any dog infected with rabies or any dog known to have been bitten by a dog known to have been infected with rabies, or shall fail to report to the police or health authorities the existence of a dog which he knows to be infected with rabies.

(9) **QUARANTINE FOR RABIES.** During the time this City or any part thereof shall be quarantined for rabies, all dogs within the district so quarantined shall be kept securely confined, tied, leashed or muzzled. Any dog not so kept securely confined or tied, leashed or muzzled is declared to be a public nuisance and shall be impounded by any police officer or other person. Upon the impounding of such dog, notice thereof shall be given, the possession of the dog may be obtained and such dog may be killed and report thereof made in the manner provided

in subs. (11) and (12).

(10) **DOGS BITING PERSONS.** Every owner or keeper of a dog and every other person who knows that a dog has bitten any person shall immediately in writing report such fact to a police officer or the Health Officer and such owner or keeper shall immediately confine the dog for at least 14 days thereafter and shall not release such dog except with the written approval of the Health Officer. Any such dog shall be surrendered to the police or to the Health Officer upon demand.

(11) **RECOVERY OF IMPOUNDED DOG.** Any dog which has been seized, impounded or quarantined may be obtained from the dog pound by payment of the following fees. Payment of all fees shall be paid to the Clerk-Treasurer and upon display of such receipt to the officer in charge, the dog shall be released.

(a) A license fee if not already paid.

(b) \$3.50 per day for the keep of such dog.

(c) A retrieving fee of \$10 for the first offense; \$20 for the second offense; \$30 for the third offense, and for each offense thereafter.

(d) The payment of any expenses incurred in connection with keeping the animal in an isolation facility, supervision and examination of the animal by a veterinarian, preparation of the carcass for laboratory examination and a fee for the laboratory examination.

(12) **REPORT ON IMPOUNDED OR KILLED DOGS.** Any person or any officer who shall kill or impound any dog shall, after delivery of such dog or its carcass to the Chief or other person in charge of the Police Department, make a report to the City Treasurer, stating when and under what conditions he seized impounded or killed such dog, and the owner's name, if known. Whenever any unlicensed dog is so impounded or delivered to the police department, the Chief or other person in charge thereof shall notify the owner personally or through the United States Mail, if such owner be known to the officer or can be ascertained by reasonable effort. If such owner be unknown or cannot be ascertained, the Chief or other person in charge shall post written notice in 3 public places in the City, giving a description of the dog, stating where it is impounded, and the conditions for its release within 48 hours, Sundays excepted, after such officer shall have taken the dog into his possession. If after 7 days the owner does not claim the dog, the officer shall dispose of the dog in a proper and humane manner.

12.13 **FLEA MARKETS.** The owner, tenant or occupant of real estate to be leased or otherwise used by persons or groups for occasional sales of items of personal property commonly called a flea market shall obtain a license under s. 12.02(7) of this chapter. An individual

license for each person participating as a seller in the flea market shall not be required. The licensee shall be responsible for any violation of the requirements of this chapter.

12.14 JUNK OR UNLICENSED MOTOR VEHICLES OR MOTOR VEHICLE PARTS.

(1) DEFINITIONS. For purposes of interpreting this Ordinance, the following definitions apply.

(1) A vehicle as defined in Section 340.01(74) of the Wisconsin Statutes and further includes a farm tractor as defined in s. 340.01(17), Stats., a snowmobile as defined in s. 340.01(58a), Stats., and a trailer as defined in s. 340.01(71), Stats.

(2) A Junk Vehicle as defined in s. 340.01(25j), Stats.

(3) An Unlicensed Vehicle means any vehicle which is required to be licensed by the State of Wisconsin in order to be operated upon a highway as defined in s. 340.01(22), Stats., and which is not appropriately and currently licensed.

(2) PROHIBITION. No person shall accumulate or store, or permit the accumulation or storage of, any junk vehicle or unlicensed vehicle outside of any building on real estate located within the corporate limits of the City. Particular motor vehicle parts may be stored outside of a building for no more than 30 days.

(3) PENALTY. Any person who violates (2) shall be subject to a forfeiture of \$10.00 plus the costs of the action for each day a violation occurs. Pursuit of this sanction shall not bar the City from proceeding to abate the violation as a nuisance

12.20 PENALTIES. Any person violating any provision of this ordinance shall be subject to a forfeiture as provided in Chapter 25 of this Code.